

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3

1c978 U.S. PTO  
09/990821

11/21/01

In re Application of: WALKER et al.

) Examiner: Not Yet Assigned

Serial No.: Not Yet Assigned

) Group Art Unit: Not Yet Assigned

Filing Date: November 21, 2001

) Attorney Docket No: 98-054-C1

) Customer No.: 22927

For: SYSTEM AND METHOD FOR  
PROVIDING A RESTAURANT MENU  
DYNAMICALLY GENERATED BASED  
ON REVENUE MANAGEMENT  
INFORMATION



## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope with sufficient postage and addressed to: Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231, on November 21, 2001.

Dated: 11/21/01 By:

Veronika S. Leliever

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

## INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. ☐ Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
2. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): \_\_\_\_\_  
\_\_\_\_\_.
3. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): \_\_\_\_\_.
4. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:  
  
☒ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.  
  
☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.

[ ] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

5. [ ] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.

6. [ ] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.

7. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:

- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
- c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.

8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;

☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.

☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 10 below.

9. ☐ I hereby certify:

☐ that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

☐ that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. ☐ Please accept payment of the fees due as indicated below:

☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).

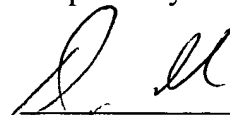
- ☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose
- ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- ☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

11. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

12. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

November 21, 2001  
Date

Respectfully submitted,



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<b>INFORMATION DISCLOSURE CITATION</b>	<b>Docket Number</b> 98-054-C1	<b>Serial Number</b> Not Yet Assigned
	<b>Applicants</b> WALKER et al.	
	<b>Filing Date</b> November 21, 2001	<b>Group Art Unit</b> Not Yet Assigned

10979 U.S. PTO  
09/990821  
11/21/01

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	A	3,634,958	01/18/72	Drowns	40	68	
	B	4,500,880	02/19/85	Gomersall et al.	340	825.35	
	C	4,530,067	07/16/85	Dorr	364	900	
	D	4,553,222	11/12/85	Kurland et al.	364	900	
	E	4,766,295	08/23/88	Davis et al.	235	383	
	F	4,972,318	11/20/90	Brown et al.	364	403	
	G	5,303,297	04/12/94	Hillis	379	63	
	H	5,410,830	05/02/95	Aiken, Sr.	40	518	
	I	5,504,475	04/02/96	Houdou et al.	340	825.35	
	J	5,519,622	05/21/96	Chasek	364	464.04	
	K	5,572,653	11/05/96	DeTemple et al.	395	501	

### FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
	L	JP 410049757 A	02/20/98	Japan				
	M	'WO 99/62016	12/02/99	PCT				

### OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

	N	Anderson, Pam, "Seafood Strategies", Restaurant Business, March 1, 1991, Vol. 90, No. 4, pp. 205-209, ISSN: 0097-8043.
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**EXAMINER**

**DATE CONSIDERED:**

**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>INFORMATION DISCLOSURE CITATION</b>	<b>Docket Number</b>	<b>Serial Number</b>
	98-054-C1	Not Yet Assigned
	<b>Applicants</b> WALKER et al.	
	<b>Filing Date</b>	<b>Group Art Unit</b>
	November 21, 2001	Not Yet Assigned

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	O	5,623,662	04/22/97	McIntosh	395	619	
	P	5,785,329	05/26/98	Wojcik et al.	705	28	
	Q	6,038,545	03/14/00	Mandeberg et al.	705	15	

**FOREIGN PATENT DOCUMENTS**

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No

**OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)**

	R	Kimes, Shirley E. et al., "Restaurant Revenue Management: Applying Yield Management to the Restaurant Industry.", Cornell Hotel & Restaurant Administration Quarterly, June 1998, Vol. 39, No. 3, pg. 32, ISSN: 0010-8804.
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